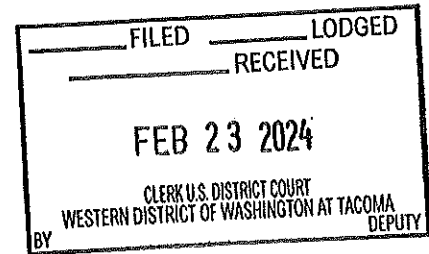


TRULINCS 54652509 - PARVIZ, MAHSA - Unit: SET-D-A

MAHSA PARVIZ
P.O. Box 13900
Seattle, WA 98198
bparviz@collin.edu
(972) 375-1202

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON IN TACOMA



MAHSA PARVIZ,
Petitioner,

Case No. 2:23-cv-01407-JHC-DWC

v.

MOTION FOR CONTEMPT AND JUDGMENT

H. BARRON and C. PETERS,

[NOTE SAME DAY MOTION: February 16, 2024]

Hon. David W. Christel,
Chief United States Magistrate Judge

COMES NOW, Petitioner MAHSA PARVIZ, and files this MOTION FOR CONTEMPT AND JUDGMENT against Respondents and Respondents Counsel pursuant to LCR 7(d)(1), LCR 55, Fed. R. Civ. P. 11, 28 U.S.C. Sec. 1942 and the Court's inherent authority. Respondent seeks a JUDGMENT be entered by the Clerk in favor of Petitioner MAHSA PARVIZ against Respondents HOWARD BARRON and COLETTE PETERS. Respondent further seeks an ORDER from the Court as follows:

Respondents have failed to comply with this Court's January 9, 2024 Orders (Dkt. # 16-17), despite service and knowledge thereof. As a result, Petitioner has been prejudiced with avoidable expenses, costs and attorneys' fees, prolonged and excessive loss of life, multiplied proceedings, separation from her daughter and delayed issuance of the writ as prayed for (Dkt. # 1, 8, 9 and 15). Petitioner respectfully requests that this Court review the supporting record and Declarations to issue an Order finding Respondents in Contempt of the Court's January 9, 2024 Orders (Dkt. #16-17) and Sanction Respondents as required. Respondent requests that the writ issue, that Petitioner be immediately released from BOP custody and that she be compensated for attorneys' fees in the amount of \$3,500.00, and \$1,500.00 per day spent in Respondents' custody.

Date: February 16, 2024

Respectfully submitted,

/s/ Mahsa Parviz
MAHSA PARVIZ

A handwritten signature in black ink, appearing to be "Mahsa Parviz", written over a horizontal line.

District of

_____ [Name of
 plaintiff],
 Plaintiff
 vs.
 _____ [Name of
 defendant],
 Defendant

No. _____
 MOTION FOR DEFAULT
 JUDGMENT
 (Fed. R. Civ. P. 55(b)(2))
 Hearing Date: _____
 Hearing Time: _____
 Courtroom: _____

 [Name of moving party] moves
this court for entry of a default judgment against
 [name of defaulting party] under
Rule 55(b)(2) of the Federal Rules of Civil Procedure.
 [Name of moving party] requests
that the judgment be [as further
set forth in the attached proposed default judgment 2 or
for (set out terms of judgment sought, e.g.,
for \$, together with prejudgment interest in the
amount of \$, reasonable attorney's fees of
\$, costs of suit of \$, and that the

judgment bear interest at the judgment rate from the date of entry until paid)).

Grounds for Relief

The Court should enter the judgment requested against _____ [name of defaulting party] and in favor of _____ [name of moving party] because:

1. The default of _____ [name of defaulting party] was entered by the court on _____ [date].

[Alternative One. No appearance by defaulting party]

2. _____ [Name of defaulting party] has not appeared in this action, and is not entitled to notice of this application for entry of a default judgment.

[Alternative Two. Defaulting party has appeared]

2. _____ [Name of defaulting party] has appeared in this action, and notice of this application was given to [add, if defaulting party appeared through representative: the conservator of or the guardian of or the next friend of or the attorney-in-fact of] _____ [name of defaulting party] more than seven days before any hearing on this application, as is shown in the attached Certificate of Service. 3

[Continue with form]

3. The _____ [description of pleading setting out claim, e.g., First Amended Complaint] in this action sets out a valid claim for _____ [description of type of claim, e.g., personal injuries or breach of contract or as appropriate]. By virtue of the default, _____ [name of defaulting party] may not challenge any of the factual allegations supporting that claim.

4. The terms of relief sought in the requested judgment _____ [are fully justified by the facts shown in the attached affidavits and the attachments to them or will be established by the evidence presented at the hearing].

[Alternative One. Defaulting party not minor or incompetent person]

5. _____ *[Name of defaulting party]* is not a minor or an incompetent person.

[Alternative Two. Defaulting party adequately represented despite disability]

5. _____ *[Name of defaulting party]* is a _____ *[minor or person declared by a court of competent jurisdiction to be incapable of handling (his or her) affairs].* However, a _____ *[describe representative, e.g., duly appointed guardian of the person and estate]* of _____ *[name of defaulting party]* appeared in this action through counsel and represented the interests of _____ *[name of defaulting party]* until the default was entered by the court.

[Continue with form]

6. Attached to this motion is an Affidavit that complies with the requirements of the Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.), which shows that _____ *[name of defaulting party]* _____ *[is not currently serving in the military or is currently serving in the military or affiant is unable to determine if defaulting party is in military service].* 4

[Optional provision. Add when requesting party entitled to have jury assess damages]

7. Under the provision of _____ *[cite United States statute guaranteeing right to jury determination of damages],* _____ *[name of moving party]* is entitled to have a jury determine the facts as to _____ *[specify, e.g., the amount of damages, including entitlement to punitive damages and the appropriate amount of those damages].* _____ *[Name of moving party]* expressly requests that the hearing on this application for judgment be before a jury, as provided in the cited statute.

[Conclude form]

Supporting Papers

This motion is based on this document, [the Notice of Motion], 5 the accompanying affidavit(s), (the accompanying Memorandum of Law), on all of the pleadings and papers on file in this action, and on whatever evidence and argument is presented at a hearing on this motion.

Dated: _____

_____ [firm name]

By: _____ [signature]
_____ [typed name]

_____ [address]

_____ [phone number]

_____ [e-mail address]

Attorneys for _____

Footnotes

2

See Form No. 55:30.

3

See Form No. 55:22.

4

See discussion of Servicemembers Civil Relief Act in the **Comment**, immediately preceding Form No. 55:1. See also forms regarding military service beginning at Form No. 55:60.

5

See Form No. 55:21.

Footnotes for 55:20

1 Fed. R. Civ. P. 55(b)(2) literally states that a party should "apply" to the court for a default

090

4

judgment, not make a motion; but Fed. R. Civ. P. 7(b)(1) makes it clear that any "request," that is, any application for a court order, "must be made by motion."

2:23-cv-01407-JHC-DWC

Form No. 55:21 Notice of Motion for Hearing on Default Judgment 1

[Caption. See Form No. 55:20]

TO ALL PARTIES AND TO
THEIR ATTORNEYS OF RECORD:

Take notice that on _____ [date], at _____ [time, e.g., 10:00 a.m.], in Courtroom No. _____ of the Courthouse for the United States District Court for the _____ District of _____, [_____ Division], which is located at _____ [street address], _____ [city, state], _____ [name of moving party] will move this Court for entry of a default judgment as more particularly set out in the attached Motion.

This notice is given pursuant to the provisions of Rules 5 and 55(b)(2) of the Federal Rules of Civil Procedure.

Dated: February 16th, 2024

[Signature block. See Form No. 55:20]

Mahsa Parviz

Footnotes for 55:21

1 This form should be used to accompany the motion form set out as Form No. 55:20 whenever a defaulting party has appeared in the action because Fed. R. Civ. P. 55(b)(2) requires seven days of notice.

Form No. 55:22 Certificate of Service for Motion for Default Judgment 1

[Caption. See Form No. 55:20]

CERTIFICATE OF SERVICE

Service on Defaulting Party

I certify that a true and correct copy of the attached Motion for Entry of Default 2 and Notice of Motion, 3 together with all attachments, exhibits, and supporting papers, were Sent by 1st class mail [delivered in person or sent by first-class U.S. mail (in a properly addressed envelope with first class postage duly paid) or other method of service] before 5:00 p.m. on February 16, 2024 [date] to Howard Barron [name of defaulting party] by service at its [his or her or its] last known address, which is:
700 Stewart St., 7th Fl. [street address]
Seattle, WA 98101 [city, state, zip code].

[Optional. Add when defaulting party appeared through attorney]

I have made service on Lindsie Rebecca Schmalz [name of attorney of record], who was the attorney of record for H. BARRON [name of defaulting party], prior to the entry of default in this matter. I certify that a true and correct copy of the attached Motion for Entry of Default 4 and Notice of Motion, 5 together with all attachments, exhibits, and supporting papers, were Sent by 1st class mail [delivered in person or sent by first-class U.S. mail (in a properly addressed envelope with first class postage duly paid) or other method of service] before 5:00 p.m. on February 16, 2024 [date] to Lindsie Rebecca Schmalz [name of attorney of record] by service at her [his or her or its] last known address, which is:
700 Stewart St., 7th Fl. [street address]
Seattle, WA 98101 [city, state, zip code].

[Optional. Add when there are additional, non-defaulting parties to action]

I have also made service on the remaining non-defaulting

parties to this action. I certify that a true and correct copy of the attached Motion for Entry of Default 6 and Notice of Motion, 7 together with all attachments, exhibits, and supporting papers, were sent by 1st class mail [delivered in person or sent by first-class U.S. mail (in a properly addressed envelope with first class postage duly paid) or other method of service] before 5:00 p.m. on February 16th 2024 [date] to the attorneys of record for all of the non-defaulting parties in this action at the addresses listed below:

1. Lynette Rebecca Schmalz [Name of attorney]
Attorney for Howard Barron & Colette Peters (BOP)
Westward St. [Address];
Seattle, WA 98101

2. _____ [Name of attorney]
Attorney for _____
_____ [Address];

3. _____ [Name of attorney]
Attorney for _____
_____ [Address].

SIGNED the 16th day of February, 2024 [month, year].

[Signature] [signature]

Attorney for Mahsa Parviz
pro se

Footnotes

2

See Form No. 55:20.

3

See Form No. 55:21.

4

See Form No. 55:20.

5

See Form No. 55:21.

6

See Form No. 55:20.

7

See Form No. 55:21.

Footnotes for 55:22

¹ Under Fed. R. Civ. P. 55(b)(2), only defaulting parties who have appeared in the action are entitled to notice of the application to enter a default judgment. If defaulting parties have appeared, they are entitled to at least seven days' notice. On the other hand, all of the other non-defaulting parties are automatically entitled to service. See Fed. R. Civ. P. 5(a).

UNITED STATES DISTRICT COURT

District of _____

[Name of
Plaintiff],
Plaintiff
vs.

[Name of
Defendant],
Defendant

No. _____

DEFAULT JUDGMENT
(Fed. R. Civ. P. 55(b)(2))

On _____ [date], the court
_____ [considered or heard]
_____ [name of moving party]'s
application for entry of a default judgment against
_____ [name of defaulting party] under
Rule 55(b)(2) of the Federal Rules of Civil Procedure.
After considering the papers submitted in connection with
the application, the papers on file in this action, [use if
hearing was held: the evidence offered at the hearing on
the motion,] and the authorities cited, the court finds as
follows:

1. A default was entered against _____
[name of defaulting party] on _____
[date].

[Alternative One. Defaulting party competent and not in
military]

2. _____ [Name of defaulting party] is not
a minor, an incompetent person, or a current member of
the military service.

[Alternative Two. Defaulting party under legal disability or
in military]

2. _____ [Name of defaulting party] is [a
minor or an incompetent person or a current member of
the military service], but was and is represented by
_____ [name of representative], who is

_____ [name of defaulting party]'s
_____ [type of representative, e.g.,
guardian of the person and estate or attorney-in-fact or
attorney-at-law].

[Alternative One. Defaulting party did not appear]

3. _____ [Name of defaulting party] did
not appear in this action.

[Alternative Two. Defaulting party did appear and was
given notice]

3. _____ [Name of defaulting party],
having previously appeared in this action, was given due
notice of the motion for a default judgment, as required by
Rule 55(b)(2) of the Federal Rules of Civil Procedure.

4. _____ [Name of moving party] has
established that _____ [name of
defaulting party] is liable to _____ [name
of moving party] for damages in the amount of \$_____,
together with interest in the amount of \$_____, costs of
\$_____, [and _____ (any other relief, e.g.,
reasonable attorney's fees in the amount of \$_____)].
[amount of damages].

THEREFORE, IT IS ORDERED that:

1. Default judgment be entered against the defendant as
follows: _____ [exact terms of judgment,
e.g., for damages of \$_____, together with pre-judgment
interest of \$_____, costs of \$_____, and attorney's fees
of \$_____].

2. This judgment shall bear interest at the judgment rate
from the date of entry until paid.

3. All relief not expressly granted is denied.

Dated: _____

_____ [signature]
UNITED STATES DISTRICT JUDGE

TRULINCS 54652509 - PARVIZ, MAHSA - Unit: SET-D-A

FROM: 54652509
TO: Parvis, Shamsi
SUBJECT: RE: Case 2:23-cv-01407-JHC-DWC Document 17 Filed 0
DATE: 02/16/2024 08:18:45 PM

Can you copy/paste docket 16? I need that order :) I love you!!!!
-----Parvis, Shamsi on 1/10/2024 9:51 PM wrote:

>

Case 2:23-cv-01407-JHC-DWC Document 17 Filed 01/09/24 Page 1 of 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MAHSA PARVIZ,		CASE NO. 2:23-CV-1407-JHC-DWC
Petitioner,		
v.		ORDER
H. BARRON and C. PETERS,		
Respondent.		

Petitioner has filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. Dkt. 9. Presently pending before the Court is Petitioner's Motion requesting this Court grant her application to proceed in forma pauperis (IFP) and grant her the relief requested in her Petition. Dkt. 15. In the alternative, Petitioner requests her Petition be served on Respondents. Id.

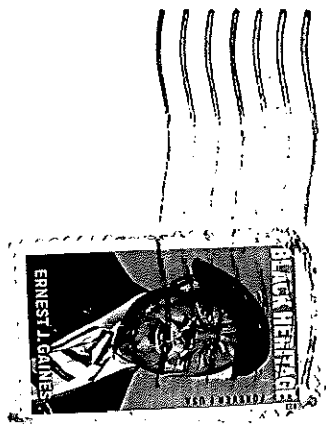
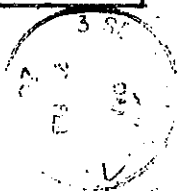
Petitioner has paid the filing fee; therefore, her request to proceed IFP is denied as moot. Furthermore, the Court declines to provide habeas relief without the respondents having an opportunity to be heard. At this time, the Court has directed Respondents to file an answer to the Petition. Therefore, Petitioner's Motion (Dkt. 15) is denied.

Dated this 9th day of January, 2024.

David W. Christel
Chief United States Magistrate Judge

FEDERAL DETENTION CENTER
NAME: Michael Davis
REG: 54632509 UNIT: 13A
P.O. BOX 13900
SEATTLE, WA. 98198-1090

FILED	LOGGED
RECEIVED	
FEB 23 2024	
CLERK U.S. DISTRICT COURT	
WESTERN DISTRICT OF WASHINGTON AT TACOMA	
DEPUTY	



US District Court
Attn: Clerk (Judgment in 2:23-cv-01407-JHC-
DWC... Respondents in Contempt)
1717 Pacific Ave.
Tacoma, WA 98402

38402832261 0007